REMARKS

In the Final Office Action, the Examiner rejected all pending claims 1, 15, 28-31, 33, and 36-42. In view of the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

First Rejection under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 1, 15, 28-31, 33, and 36-42 under 35 U.S.C. § 103(a) as being unpatentable over Kendrick et al. (U.S. Patent No. 6,204,344) in view of Hanson (U.S. Patent No. 5,597,892). Applicants respectfully traverse this rejection.

As explained in the previous Response which is incorporated herein by reference, the cited *Kendrick reference is not prior* art with regard to the present claims. The present claims are fully supported by the parent Hottovy, U.S. Patent No. 6,239,235, filing date July 15, 1997 (and which includes the incorporated Hanson (U.S. patent No. 4,424,341) reference). Therefore, the present claims have an earlier effective filing date than the Kendrick reference. Thus, the present rejection, which is based on a combination of the *Kendrick* and Hanson '892 references, should be withdrawn, and the instant claims allowed.

In the Response to Arguments section of the Final Office Action, the Examiner disagreed, stating that "the current pending claims are only support [sic] by the

specification of the current application [the present CIP] rather than fully supported by the specification of a parent, Hottovy (6,239,235), which includes the incorporated Hanson (US 4,424,341)." *See* Final Office Action, page 2 (emphasis in original). The Examiner apparently gave two reasons in asserting incorrectly that the present claims have the later filing date of the present CIP and not of the parent Hottovy 6,239,235. *See id.* at pages 2-3.

First, the Examiner contended that "Hottovy's specification only disclosed an olefin polymerization process, and the monomer polymerization process without the [sic] any limitation to the monomer is only disclosed in the current specification." *See id.* at page 2. However, Applicants respectfully stress that one of ordinary skill in the art would reasonably interpret the present claims which recite "monomer" in the context of the Hottovy '235 specification and the relevant art, and would conclude that Applicants had possession of the recited invention. *See, e.g., Moba, B.V. v. Diamond Automation, Inc.*, 66 U.S.P.Q.2d 1429, 1438 (Fed. Cir. 2003) (explaining that for an applicant to satisfy the written description requirement, one skilled in the art need only reasonably conclude that the inventor had possession of the claimed invention in view of the specification); M.P.E.P. § 2163, page 2100-165 (Rev. 5, Aug. 2006); *see also Phillips v. AWH Corp.*, No. 03-1269, -1286, at 16 (Fed. Cir. July 12, 2005) (explaining that one should rely heavily on the written description for guidance as to the meaning of the claims); *Collegenet, Inc. v. ApplyYourself, Inc.*, No. 04-1202, -1222, 1251, at 8-9 (Fed. Cir. August 2, 2005) (holding that derivation of a claim term must be based on "usage in the

ordinary and accustomed meaning of the words amongst artisans of ordinary skill in the relevant art");

Second, the Examiner contended that "Hottovy together with Hanson '341 requires separation of the polymer slurry intermediate product by a flash tank first and then further separates the liquid portion of the polymer slurry by a cyclone rather than separating the polymer slurry intermediate product in a cyclone directly as required by claims 1, 15, 28-31, 33, and 36." *See* Office Action, page 3 (emphasis in original). To the contrary, Hanson '341 states "there are many variations of the illustrated embodiment which fall within the scope of the invention." *See* Hanson '341, col. 4, lines 3-5. This, combined with express example in Hanson of placing the cyclone 25 in the flash chamber 20 provides for the "direct" processing of the polymer slurry intermediate product, including entry of the polymer slurry intermediate product directly into the inlet of the cyclone 25 disposed in the flash chamber 20. *See* Hanson '341, col. 4, lines 9-12. For example, with a substantial amount of the liquid in the slurry vaporize in the upstream flash line, a cyclone would plainly provide for the direct processing of the polymer slurry intermediate product.

As a final note, Applicants would like to point out that the claims do not recite the "direct" processing of the intermediate product in a cyclone. For example, claim 1 recites "separating the vapor from the concentrated intermediate product by centrifugal force in a cyclone," and claim 26 recites "separating vapor from the heated discharge slurry via

centrifugal forces." Therefore, Hottovy '235 and the incorporated Hanson '341 do support the present claim language. Further, claim 36 is not even limited to a cyclone or separation via centrifugal forces, but instead recites "separating a vapor from the heated discharge slurry in a separator." Therefore, with regard to claim 36, the Examiner's comments mention above regarding employment of a cyclone in Hottovy '235 and Hanson '341 are clearly inapplicable. In view of the foregoing, again, Applicants believe the effective filing date of the present claims is the same as the parent Hottovy '235 and therefore the cited Kendrick reference is not prior, and the foregoing rejection should be withdrawn

Kendrick is Not Prior Art

Based on the face of the Kendrick reference (U.S. Patent No. 6,204,344), the Kendrick filing date is May 18, 1999, and the apparent priority date is March 19, 1999. Consequently, the cited Kendrick patent (6,204,344) is not prior art with regard to the present claims, which have an effective filing date of July 15, 1997. Thus, again, the current rejection should be withdrawn and all present claims allowed.

All Present Claims are Supported by Parent

The subject matter of all claims in the present application is fully supported by the specification of a parent (Hottovy, U.S. Patent No. 6,239,235, filing date July 15, 1997) of the present application. Initially, Applicants note that this parent (Hottovy)

incorporates by reference Hanson (U.S. Patent No. 4,424,341) which can support present claims. *See* 37 C.F.R. § 1.57(f); Hottovy, col. 4, lines 51-54. Again, all present claims are supported by the parent. *See, e.g.*, Hottovy, col. 2, lines 11-14 and 60-67; col. 3, lines 7-9 and 40-59; col. 4, lines 32-36; col. 5, lines 6-11; Hanson '341, col. 3, lines 15-28; col. 4, lines 9-12. No present claims require support from information added in the present continuation-in-part filed October 31, 2003. Therefore, all present claims have an effective filing date of the parent Hottovy, which is July 15, 1997, and, thus, earlier than the apparent effective date of Kendrick.

Second Rejection under 35 U.S.C. § 103(a)

The Examiner also rejected claims 1, 15, 28-31, 33, and 36-42 under 35 U.S.C. § 103(a) as being unpatentable over Tormaschy et al. (EP 0 432 555 A2) in view of respectively Hanson (U.S. Patent No. 5,597,892) and Hanson et al. (U.S. Patent No. 4,424,341). Applicants respectfully traverse this rejection.

All independent claims 1, 28, and 37 recite a continuous withdrawal of slurry from the loop reaction zone. The Examiner relied on Tromaschy to teach this feature. However, Tormaschy is completely silent with regard to a continuous withdrawal (e.g., continuous take-off) of slurry from the loop reactor. *See, e.g.*, Tormaschy, page 5, lines 40-43; Figure 1. Indeed, based on the date of the reference and on Applicants' understanding of the Tormaschy patent, Applicants believe that the Tormaschy systems incorporate the typical settling leg configuration, and not a continuous withdrawal from

the reactor. The previously-submitted Declaration of John D. Hottovy under 37 C.F.R. § 1.132 further clarifies that Tormaschy does not disclose or even contemplate a continuous withdrawal. Further, the two cited Hanson references do not obviate this deficiency of Tormaschy. Therefore, all claims are patentable over the cited combination.

In addition, the reference also does not teach withdrawing a slurry having an **increase in solids concentration** as compared with the slurry in the reactor, as recited in claims 28 and 37. *See* Tormaschy, col. 5, lines 53-58. The two cited Hanson references do not obviate this deficiency. Therefore, claims 28 and 37, and their dependent claims, are patentable over the cited combination for this reason as well. For these reasons, Applicants respectfully request that the Examiner withdraw the foregoing rejection under 35 U.S.C. § 103 and allow the claims.

Conclusion

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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